

Appln No. 10/758,762
Amdt date April 28, 2006
Reply to Office action of January 30, 2006

REMARKS/ARGUMENTS

Claims 1, 5-15, 17 and 19-34 are currently pending in the present application, of which claims 1, 17 and 33 are independent. Claims 1, 5, 6, 8-10, 17 and 33 have been amended. Claims 2-4, 16 and 18 have been cancelled without prejudice. The cancelled claim 16 has been reintroduced as new claim 34. Both the specification and the drawings have been amended to incorporate the Examiner's suggestions/requirements. Applicant respectfully requests reconsideration and allowance of claims 1, 5-15, 17 and 19-34. Applicant responds to each point raised by the Examiner in the January 30, 2006 Office action as follows:

Priority

Applicant has ordered a certified copy of the Korean application no. 2003-0001544 filed January 17, 2003. Applicant will submit this certified copy as soon as it is received.

Objection to the Drawings

The Examiner has objected to the drawings under 37 CFR §1.84(l) and §1.84(u)(2) because the view numbers are not larger than the reference characters and because the lines on the drawings are not sufficiently dense, dark, uniformly thick and well-defined. The Examiner has further objected to the drawings specifically because reference character 28' in Figure 12 should be labeled 128' for consistency and because reference characters for the mounting brackets at the ends of the posts in Figure 16 should be labeled 78 rather than 78". Applicant has amended the drawings and requests that the objections to the drawings be withdrawn.

Objections to the Specification

The Examiner has objected to various portions of the specification for clerical/grammatical errors. As reflected above, Applicant has amended the specification to substantially incorporate the Examiner's suggestions. Therefore, Applicant requests that these objections be withdrawn.

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The Examiner has further objected to the application's title for not being descriptive. Applicant has amended the title and now submits that the title is now sufficiently descriptive. Therefore, Applicant requests that the objection to the title be withdrawn.

Claim Objections

Claim 16 has been objected to because it is separated from dependent claim 9 by a claim that does not also depend from claim 9. Claim 16 has been cancelled and has been reintroduced as new claim 34. Applicant submits that this alleviates the Examiner's concern and respectfully requests that this objection be withdrawn.

Claim Rejections Under 35 U.S.C. § 103(a)

Rejection of Claims 1-13, 15-27, 29 and 30

Claims 1-13, 15-27, 29 and 30 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Suh ("Suh" U.S. Patent No. 6,478,039) in view of Leung ("Leung" U.S. Patent No. 5,056,291). Since claims 2-4 and 18 are cancelled herein, their rejection is now moot. Also, as indicated above, claim 16 has been cancelled and reintroduced as claim 34.

Independent claim 1 has been amended herein, and it now recites, in a relevant portion:

a mounting bracket mounted on a corresponding one of the uprights, wherein the mounting bracket comprises a first side rail connector having a post, and wherein the hook engages the post to secure the side rail to the mounting bracket;

wherein the mounting bracket comprises a body and a cover pivotally connected to the body, wherein the body and the cover together define an opening that receives said corresponding one of the uprights,

wherein the cover pivots between an open position and a closed position, such that in the open position the mounting bracket receives into the opening said corresponding one of the uprights and in the closed position the mounting bracket is frictionally secured to a side surface of said corresponding one of the uprights, and

wherein the cover comprises a resilient compression element that presses against said side surface of said corresponding one of the uprights when the cover is in the closed position. (Emphasis Added)

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Suh discloses "[t]he mating of wedge shaped portion 25 and incline portion 30. . .[to add] torsional stability to the entire structure when the fixture is closed." *See* Col. 3, lines 43-45. Suh further discloses that "[a] bolt locks hinged member 23 in the closed position B. . .[where the bolt] passes through a hole 32 in the right wall of socket 21. . .and then passes through a traverse hole 33 formed in side rail 12 before entering a hole 34 formed in a hinged member 23 and finally being threaded into hex nut 35 which is counter sunk in hinged member 23." *See* Col. 3, lines 48-52. Leung discloses "struts. . .with end grips which snap into engagement with the trunnions and nodes of. . .hubs." *See* Abstract. However, neither Suh nor Leung discloses a mounting bracket comprising a cover that "comprises a resilient compression element that presses against said surface of said corresponding one of the uprights when the cover is in the closed position."

In more detail, in rejecting claims 4 and 18, the Examiner contends on page 5, paragraph d (and on page 9, paragraph n) of the Office Action that "[t]he Suh detent (36) 'presses against the side surface' as broadly recited insofar as the detent engages the aperture in the side surface of the upright." Thus, the Examiner appears to equate the detent (36) (receptacle 36 and/or plug 26) in FIGs 2 and 3 of Suh with a resilient compression element or a mounting bracket (or a cover) comprising a resilient compression element. However, neither the receptacle 36 nor the plug 26 appears to include "a resilient compression element that presses against said surface of said corresponding one of the uprights when the cover is in the closed position."

In order to establish a *prima facie* case of obviousness, in addition to meeting all of the other requirements, the cited references together must teach or suggest all elements of a claim. Since Suh and Leung together fail to teach or suggest that "the cover comprises a resilient compression element that presses against said side surface of said corresponding one of the uprights when the cover is in the closed position," these references together do not teach or suggest all elements of claim 1. Hence, claim 1 would not have been obvious over Suh and Leung at the time the invention was made. Therefore, Applicant requests that the rejection of claim 1 be withdrawn and that it be allowed.

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Independent claim 17 now recites, in a relevant portion, "the cover comprises a resilient compression element that presses against said side surface of said corresponding one of the uprights when the cover is in the closed position." For reasons that are substantially the same as those given above in reference to claim 1, claim 17 is patentably distinguishable over the cited references. Therefore, Applicant requests that the rejection of claim 17 be withdrawn and that it be allowed.

Since the scope of claim 1 is substantially the same as the scope of claim 4 as filed, and the rejection of claim 4 appears to have been improper because Suh and Leung together do not teach or suggest at least one element of the amended claim 1, Applicant submits that any subsequent Office Action that rejects the amended claim 1 on other grounds of rejection should be a non-final Office Action. Similarly, since the scope of claim 17 is substantially the same as the scope of claim 18 as initially filed, any Office Action that rejects the amended claim 17 on other grounds of rejection should be a non-final Office Action.

Since claims 5-13, 15, 19-27, 29, 30 and 34 all depend, either directly or indirectly, from claim 1 or claim 17, these claims each incorporate all the terms and limitations of claims 1 or claim 17, in addition to other elements, which together further patentably distinguish them over the cited references. Therefore, Applicant requests that the rejection of claims 5-13, 15, 19-27, 29, 30 and 34 under 35 U.S.C. § 103(a) be reconsidered and withdrawn, and that these claims be allowed.

Rejection of Claims 14 and 28

Claims 14 and 28 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Suh in view of Leung in further view of Ruppel ("Ruppel" U.S. Patent No. 2,001,215). Ruppel is being cited for the proposition that it teaches "a connector for 90- and 180-degree arrangements for rails (18, 22) that are arranged perpendicularly and axially," and does not overcome the deficiencies of Suh and Leung to reject claims 1 and 17. Therefore, claims 1 and 17 are patentably distinguishable over Suh and Leung in view of Ruppel. Since claims 14 and 28 respectively depend indirectly from claims 1 and 17, they incorporate all the

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terms and limitations of claim 1 or claim 17 in addition to other elements, which together further patentably distinguish them over the cited references.. Therefore, Applicant requests that the rejection of claims 14 and 28 under 35 U.S.C. § 103(a) be reconsidered and withdrawn, and that these claims be allowed.

Rejection of Claims 31 and 32

Claims 31 and 32 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Suh in view of Leung in further view of Delp ("Delp" U.S. Patent No. 2,897,013). Delp is being cited for the proposition that it "teaches a structural member for a collapsible frame that is comprised of a plurality of sections (E.1, E.2) connected together via a support connector (10b), and does not overcome the deficiencies of Suh and Leung to reject claim 17. Since claims 31 and 32 depend, directly or indirectly, from claim 17, they each include all the terms and limitations of claim 17, in addition to other limitations, which together further patentably distinguish them over the cited references. Therefore, Applicant requests that the rejection of claims 31 and 32 under 35 U.S.C. § 103(a) be reconsidered and withdrawn, and that these claims be allowed.

Rejection of Claim 33

Independent claim 33 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Suh in view of Leung in further view of Carter ("Carter" U.S. Patent No. 6,041,800).

Claim 33 now recites:

A collapsible canopy frame comprising:
telescoping uprights;
a set of edge scissor assemblies that are pivotally coupled between adjacent ones of the telescoping uprights, each said set of edge scissor assemblies having ribs that rotate relative to each other;
a side rail having a first end and a second end;
a hook attached to the first end of the side rail; and
a mounting bracket mounted on a corresponding one of the uprights, wherein the mounting bracket comprises a first side rail connector having a post,

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and wherein the hook engages the post to secure the side rail to the mounting bracket, wherein the mounting bracket has a resilient member on a surface abutting the corresponding upright, such that the mounting bracket is frictionally secured to a side surface of the corresponding upright. (Emphasis Added)

Similarly as discussed above in reference to claims 1 and 17, Suh and Leung together do not teach or suggest a mounting bracket that "has a resilient member on a surface abutting the corresponding upright, such that the mounting bracket is frictionally secured to a side surface of the corresponding upright." Carter is being cited for the proposition that it "teaches telescoping uprights (FIG. 7-8) for a collapsible canopy frame having a set of edge scissor assemblies. The telescoping uprights allow the frame to be collapsed to a dimension shorter than the height of the assembled frame." However, while Carter discloses an "erectable shelter with gable roof," it does not even disclose a side assembly, let alone a side rail which incorporates a mounting bracket for the side rail that "has a resilient member on a surface abutting the corresponding upright, such that the mounting bracket is frictionally secured to a side surface of the corresponding upright."

Therefore, Applicant submits that Suh in view of Leung in further view of Carter does not teach or suggest all elements of independent claim 33, and thus claim 33 of the present application is patentably distinguishable over Suh in view of Leung in further view of Carter. Accordingly, Applicant requests that the rejection of claim 33 under 35 U.S.C. § 103(a) be reconsidered and withdrawn, and that the claim be allowed.



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Concluding Remarks

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application, including claims 1, 5-15, 17 and 19-34, is in a condition for allowance, and accordingly, requests a timely notice of allowance. If there are any remaining issues that can be addressed over the telephone, the Examiner is cordially invited to call Applicant's attorney at the number listed below.

Respectfully submitted,

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Amendments to the Drawings

The attached 2 sheets of annotated drawings include changes to FIGs. 12 and 16. The attached 12 sheets of replacement drawings, which include FIGs. 1-16, replace the original drawings as filed.

Attachment: Replacement Sheets for FIGs. 1-16.
 Annotated Sheet Showing Changes to FIGs. 12 and 16.

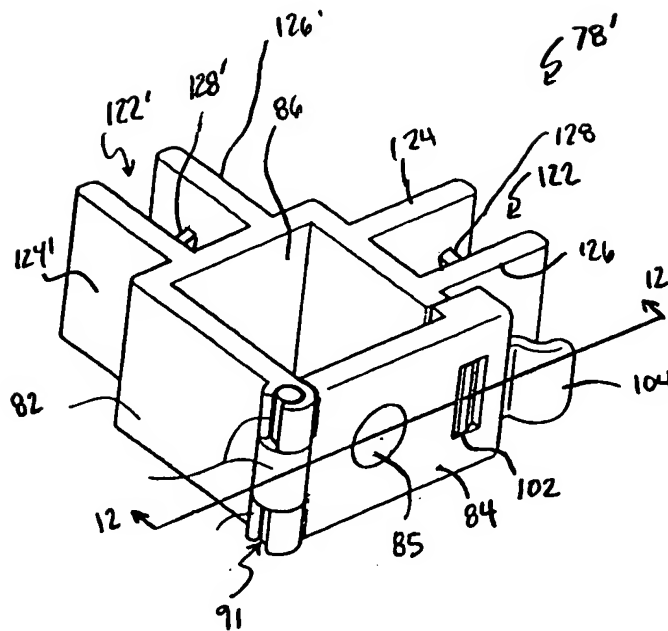


FIG. 11

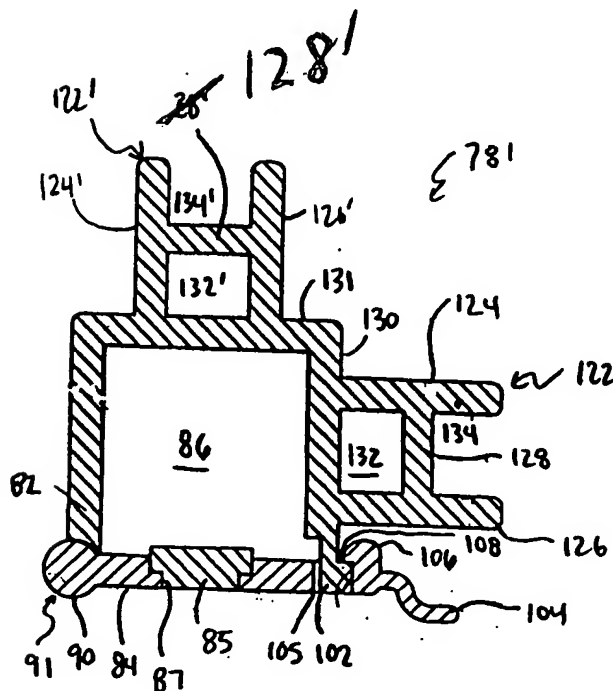


FIG. 12

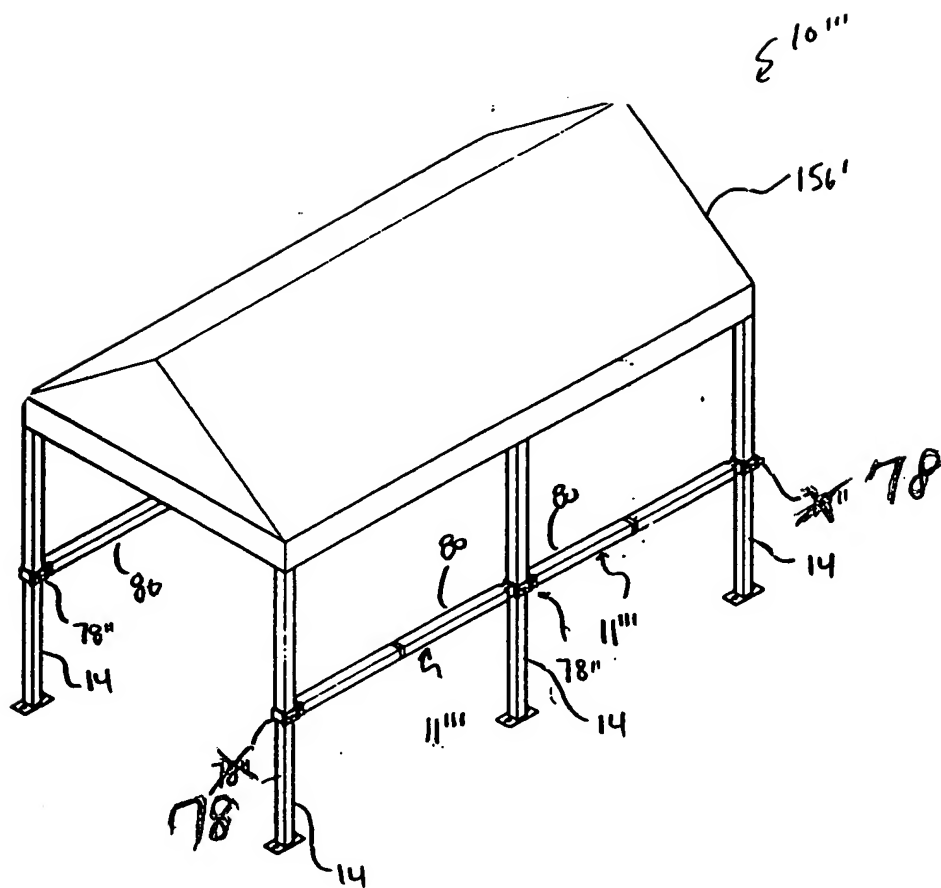


FIG. 16